

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Paul Orsello,

Plaintiff,

v.

Civil No. 09-2272 (JNE/SRN)  
ORDER

Steven, Julie, Robert, and Pearl Gaffney,

Defendants.

This case is before the Court on a Report and Recommendation issued by the Honorable Susan Richard Nelson, United States Magistrate Judge, on August 31, 2009. The magistrate judge recommended that Plaintiff's application to proceed without prepayment of fees be denied; that Plaintiff's collateral motion seeking an investigation and a stay of a Minnesota Supreme Court order be denied; and that this action be dismissed for lack of subject matter jurisdiction. Plaintiff objected. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Plaintiff's "Application to Proceed Without Prepayment of Fees" [Docket No. 2] is DENIED.
2. Plaintiff's pending collateral motion seeking "an investigation" and a "stay on Minnesota Supreme Court order" [Docket No. 3] is DENIED.
3. This action is DISMISSED for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(h)(3).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 25, 2009

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge